

### REMARKS

Applicants reply to the Final Office Action mailed on July 3, 2008 within two months, and thus request an Advisory Action, if necessary. Claims 24-33 and 39-48 are pending in the application and the Examiner rejects claims 24-33 and 39-48. Applicants include clarifying amendments to some of the claims and have added new dependent claims 49 and 50. Support for the amendments and new claims may be found in the originally-filed specification, claims, and figures. Applicants submit that no new matter has been introduced with these amendments. Further, **Applicants assert that these amendments are for clarification and are non-substantive and should therefore not require further search or reconsideration.** Applicants respectfully request allowance of this application.

The Examiner rejects claims 24-29, 31-33, and 39-48 under 35 U.S.C. § 103(a) as being unpatentable over Hanchett, U.S. Patent No. 5,396,429 ("Hanchett") in view of Mertens et al., U.S. Patent No. 5,767,505 ("Mertens"). The Examiner also rejects claim 30 under 35 U.S.C. § 103(a) as being unpatentable over Hanchett in view of Mertens. It appears the Examiner is also using "Woolston" in the rejection of claim 30, because the Examiner mentions "Woolston" in the rejection. The Examiner, however, does not provide any reference number in connection with Woolston. Applicants assume the Examiner is citing Woolston, U.S. Patent No. 5,845,265, that was noted in a previous Office Action, but Applicants respectfully request that the Examiner confirm which Woolston reference is being cited. As noted above, Applicants have not included any amendments in order to overcome the references cited by the Examiner because Applicants assert that the claims as presented in the previous Reply are also allowable over the cited references. **For at least that reason, this Reply should not necessitate any further search.** In that regard, Applicants traverse the 103(a) rejections based on Hanchett, Mertens, and/or Woolston. Additionally, Applicants do not concede that Mertens and/or Woolston are prior art with respect to this application, and Applicants reserve the right to antedate Mertens and/or Woolston.

#### Independent Claims

The Examiner asserts that Hanchett discloses "image data and [an] identification camera are processed to determine the location of monitor station" (Office Action, page 2). This statement is, however, inaccurate. Hanchett clearly does not disclose that the image data is processed to determine the location of the monitor station. Hanchett discloses, rather, "[a] series

of image sensors spaced along a roadway at particular intervals to provide images of the traffic . . . the image signals provided by the monitor stations represent actual images of traffic existing at the monitor stations” (Abstract; Column 3, lines 25-27). The images are then provided to a “user display unit [that] translates the image signals back into the images of the traffic” (Column 3, lines 27-29). Thus, the image sensors are observing traffic at a particular roadway location that is already known, regardless of the images viewed by the monitor station. Nowhere does Hanchett disclose or contemplate that the image data is processed to determine the location of the monitor station. For at least that reason, Hanchett does not teach or suggest, alone or in combination with the other cited references, “a fixed detector configured to detect first data associated with an object . . . [and] a processor configured to correlate the first data and the second data to generate *object location information*” as recited in amended independent claim 24, and as similarly recited in amended independent claim 31 (emphasis added).

Furthermore, although Applicants claim only “an object” in independent claims 24 and 31, the Examiner refers to “an object” as *all three* of the following: “cars,” the “monitor station” and the “target unit” (see Office Action, page 2). The Examiner relies on Hanchett’s cars, monitor station, *and* target unit to reject independent claims 24 and 31, and the Examiner has not shown *an* object in Hanchett upon which Applicants’ claims read. For at least that additional reason, independent claims 24 and 31 are allowable over Hanchett.

Additionally, the Examiner argues that “a detector . . . configured to provide a first data associated with an object” is disclosed in Hanchett because “image data and [an] identification camera are processed to determine the location of [the] monitor station” (Office Action, page 2). In other words, the Examiner is stating that Hanchett discloses a detector that is configured to detect first data associated with the detector itself, and not “a fixed *detector* configured to detect first data associated with an *object*” as recited in independent claim 24. The Examiner’s conclusion is particularly confusing because the Examiner then states that the “detector [is] at a fixed location” (Office Action, page 2). Applicants respectfully assert that the image data received through Hanchett’s *fixed* monitor does not need to be processed to determine the location of the *fixed* monitor. The location of the fixed monitor in Hanchett is known regardless of any image data received at the monitor. Applicants respectfully assert that the Examiner did not provide sufficient justification for such arguments. For at least this additional reason, independent claims 24 and 31 are allowable over Hanchett.

Moreover, the Examiner acknowledges that “Hanchett does not particularly teach a sensor configured to provide a second data associated with the object” (Office Action, page 3). The Examiner states that “Mertens teaches a sensor configured to provide a second data associated with the object” (Office Action, page 3). Mertens is, however, not combinable with Hanchett for at least two reasons: (1) Hanchett would render Mertens inoperable for Mertens’ stated purpose; and (2) Mertens specifically teaches against Applicants’ claimed subject matter.

Mertens discloses a “system for determining toll charges . . . [that] are calculated with the aid of a device installed in the vehicle . . . Once the user fees added up in the vehicle device have reached a predetermined amount, the vehicle device makes a connection with the central point 11 via the mobile radio network” (Abstract; Column 5, lines 45-48). Hanchett, however, does not disclose that “the vehicle device makes a connection with the central point”—Hanchett’s vehicle device, rather, merely receives and displays information as discussed above. Therefore, if Mertens’ “sensor” were combined with Hanchett’s vehicle device, as the Examiner suggests, Hanchett’s vehicle device would not be able to “make a connection with the central point,” and Hanchett would render Mertens inoperable. For at least that reason, Mertens is not combinable with Hanchett, and Applicants’ claims are allowable over Hanchett as the Examiner acknowledges.

Mertens is also not combinable with Hanchett because Mertens teaches against Applicants’ claimed subject matter. Mertens discloses that “the data transmitted [from the vehicle device] to the central point . . . do not permit any conclusions regarding the details of the routes traveled [and] . . . No data regarding the distance traveled . . . need be transmitted when transmitting added-up fees via the mobile radio network. This has the advantage that **a conclusion regarding a defined route is no longer possible**” (column 2, lines 32-36; column 6, lines 20-24) (emphasis added). Therefore, for at least this additional reason, neither Hanchett nor Mertens, alone or in combination, disclose or contemplate, “a communicator configured to receive first data associated with an object and second data associated with the object, wherein the first data is received from a fixed detector configured to detect first data, and wherein the second data is received from a mobile target unit comprising a sensor configured to detect the second data . . . and a processor configured to correlate the second data **to generate object location information**” as recited in independent claim 24 (emphasis added), and as similarly recited in independent claim 31.

### Dependent Claims

Dependent claims 25-30, 32, 33, and 39-50 variously depend from independent claims 24 and 31 and are thus allowable at least because they depend from independent claims that are allowable. Dependent claims 25-30, 32, 33, and 39-50, however, are also allowable for their own unique features, some of which are discussed here.

For example, with respect to claim 29, the Examiner states, “Hanchett further teaches wherein the target unit comprises an accelerometer . . . the mobile, 18 of fig. 1, would obviously be a vehicle that comprises [an] accelerometer” (Office Action, page 4). Applicants respectfully assert that it is not obvious that any vehicle has an accelerometer, and if the Examiner is taking official notice of such, Applicants respectfully request that the Examiner cite a reference. Applicants are aware that certain vehicles have *speedometers*,<sup>1</sup> but Applicants assert that vehicles do not obviously have *accelerometers*.<sup>2</sup> For at least that reason, Hanchett does not teach or suggest “wherein the mobile target unit comprises an accelerometer . . . to facilitate generating the object location information” as recited in dependent claim 29. Mertens does not account for this deficiency.

Additionally, Hanchett merely provides information associated with traffic as it naturally occurs, as discussed above. So Hanchett does not teach or suggest “wherein correlating the first data and the second data comprises determining compliance with a scheduled object activity” as recited in dependent claim 40. Mertens does not account for this deficiency.

Furthermore, Hanchett discloses “a plurality of monitor stations paced at intervals along a roadway of interest” (column 2, lines 64-66). As such, Hanchett’s monitor stations are linearly oriented and traffic passes from the view of one monitor to the next sequentially-located monitor. Therefore, Hanchett does not teach or suggest, “a movement module configured to activate a second fixed detector in response to the object location information, wherein the fixed detector is further from the second fixed detector than from a third fixed detector” as recited in dependent claim 49. Mertens does not account for this deficiency.

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<sup>1</sup> A speedometer is defined as, “an instrument for indicating speed” (Merriam-Webster’s Online Dictionary, <http://www.merriam-webster.com/dictionary/speedometer>).

<sup>2</sup> An accelerometer is defined as, “an instrument for measuring acceleration or for detecting and measuring vibrations” (Merriam-Webster’s Online Dictionary, <http://www.merriam-webster.com/dictionary/accelerometer>).

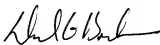
When "at least one of A, B, or C" is used in the claims, Applicants intend the phrase to mean any of the following: (1) at least one of A; (2) at least one of B; (3) at least one of C; (4) at least one of A and at least one of B; (5) at least one of B and at least one of C; (6) at least one of A and at least one of C; or (7) at least one of A, at least one of B, and at least one of C.

### **CONCLUSION**

In view of the above remarks, Applicants respectfully submit that all pending claims properly set forth that which Applicants regard as their invention and are allowable over the cited references. Accordingly, Applicants respectfully request allowance of the pending claims. The Examiner is invited to telephone the undersigned at the Examiner's convenience, if that would help further prosecution of the subject application. The Commissioner is authorized to charge any fees due to Deposit Account No. 19-2814.

Respectfully submitted,

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